HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.13672 OF 2005

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Between:

Margadarsi College of Education, rep. by its Correspondent
S/o Appa Rao R/o Mahaboobabad, Warangal District.

…Petitioner

A n d

The State of Andhra Pradesh rep by its Principal Secretary
School Education Department, Secretariat, Hyderabad and others

…Respondents.

:: **ORDER** ::

Counsel for the Petitioner : Sri V.Kishore

Counsel for Respondents : Advocate General
assisted by Government
Pleader for School
Education

DATED : 27.09.2006

Per G.V.Seethapathy, J

In this petition, the petitioner has prayed for quashing the action of the respondents in not approving the admission list/selection list of minority and non-minority candidates for admission in B.Ed course for academic year 2004-2005 submitted by the petitioner college and in seeking to cancel the minority status certificate granted to it. It has also prayed for issue of a direction to the respondents to approve the admission/selection list of the minority and non-minority students and set aside Memo No.3867/M&R/A2/2005, dated 27.5.2005 issued by the third respondent.

The petitioner, Margadarsi College of Education claims to be a minority institution. The fifth respondent, Convenor, Ed-CET conducted entrance test for admission of students in minority institutions for the year 2004-2005. The first respondent-State of Andhra Pradesh issued G.O.Ms.No.57, School Education (Training-A1) Department, dated 21.3.2005 (for short, `the G.O') prescribing certain criteria for determining the minority status of the candidates and the criteria for admission in minority Colleges of Education and also the procedure for filling up the left over seats against 85% management quota. The same was challenged in a batch of writ petitions. By an order dated 19.4.2005, the learned Single Judge dismissed Writ Petition Nos.5750, 6162 and 8348 of 2005. Writ Appeal No.928 of 2005 filed against the order of the

learned Single Judge was dismissed by the Division Bench on 23.8.2006 along with other connected matters filed by the minority educational institutions questioning the legality of G.O.Ms.No.57, dated 21.3.2005.

During the pendency of Writ Appeal No.928 of 2005 and batch, the Division Bench passed interim order dated 27.4.2005 in WAMP.No.1767 of 2005 and batch. The relevant extracts of that order are reproduced below:

> "Therefore, we direct that the minority institutions shall be entitled to make admissions in accordance with the G.O., i.e., 85% from the minority candidates and 15% as management quota from any community. However, if any seats remain unfilled from 85% of the minority quota, they shall also be filled up by the management of respective colleges from the Ed.CET list strictly in accordance with the merit after giving wide publicity to the methodology to be adopted for making the selection. After the selection is made, that shall not be published before furnishing a copy to the Convenor of Ed.CET, who shall ensure that the selection has been made in accordance with the merit. It shall be open for him to bring to the notice of the management to cancel the admission of a candidate, if it is not made in accordance with the merit and the view of the Convenor in such a case shall be final.
>
> Coming to the second condition relating to the Conversions, we feel it will be proper and just, at this stage, to direct that the religion of a candidate shall be determined on the basis of his/her S.S.C certificate or any equivalent certificate."

After dismissal of Writ Petition No.5750 of 2005 and connected matters, the respondents issued instructions to the petitioner and other

minority institutions to make admissions against the left over seats from the merit list prepared on the basis of Ed-CET-2004. The Director of School Education issued Rc.No.643/N2-1/2005-3, dated 2.5.2005, whereby the minority institutions were directed to make admissions strictly as per the merit list. It, however, appears that the petitioner did not make admissions as per the merit list enclosed with communication dated 2.5.2005 and letter dated 17.5.2005 sent by District Educational Officer, Warangal. On coming to know of this, Secretary to the Government of Andhra Pradesh, Minorities Welfare (M & R) Department issued the impugned notice to the petitioner to show cause against the proposed withdrawal of Christian minority status certificate. The petitioner has challenged the impugned notice mainly on the ground that the same is violative of Articles 14 and 30(1) of the Constitution of India. In the affidavit filed by Sri T.Ravinder Rao, Correspondent of the petitioner college, it has been averred that admissions were made against the left over seats strictly as per merit and, therefore, the impugned notice should be quashed.

We have heard learned counsel for the parties. In our opinion, the writ petition is liable to be dismissed as premature because, so far, the competent authority has not passed final order in furtherance of notice dated 27.5.2005. Ordered accordingly.

It is, however, made clear that as and when the competent authority passes any adverse order, the petitioner shall be free to avail appropriate legal remedy.

G.V.SEETHAPATHY, J

G.S.SINGHVI, CJ

27th September 2006

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